

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA  
PITTSBURGH DIVISION**

<b>R. CATHY REARDON</b>	)	
<b>On behalf of herself and all</b>	)	
<b>similarly situated individuals,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>Civil Action No. 2:08-cv-1730MRK</b>
<b>v.</b>	)	
<b>CLOSETMAID CORPORATION,</b>	)	<b>Hon. Judge Mark R. Hornak</b>
	)	
<b>Defendant.</b>	)	<b>Class Action</b>

**PLAINTIFF’S MOTION IN LIMINE REGARDING WILLFULNESS**

Comes Now the Plaintiff, R. Cathy Reardon (“Reardon”), on behalf of herself and the class, and she moves in Limine to exclude the following evidence and argument regarding Plaintiff’s proof that Defendant willfully violated the Fair Credit Reporting Act, as follows:

- A. Any evidence or argument that ClosetMaid undertook any action to discover whether its policies complied with the FCRA, or any similar defense to willfulness.
- B. Argument or evidence that (1) ClosetMaid did not willfully violate the FCRA because Third Party Reporting Agencies would not have sold its reports, or (2) Because it had subjective good faith and an intent to comply with the law.
- C. Argument or Evidence that Third Party *American Background* provided ClosetMaid the document disclosed as Defendant’s Trial Exhibit D10(b).
- D. Argument that the FCRA is “Complex” or “Highly Technical.”
- E. Argument that ClosetMaid negligently violated the FCRA.

Respectfully submitted,

By: s/ James M. Pietz

James M. Pietz  
Pa I.D. No. 55406  
Pietz Law Office LLC  
429 Forbes Ave., Suite 1710  
Pittsburgh, PA 15219  
412-288-4333  
E-mail: [jpietz@jpietzlaw.com](mailto:jpietz@jpietzlaw.com)

Leonard A. Bennett, Esq.  
Consumer Litigation Associates  
763 J. Clyde Morris Boulevard  
Suite 1-A  
Newport News, VA 23601  
(757) 930-3660  
E-mail: [lenbennett@clalegal.com](mailto:lenbennett@clalegal.com)

Christopher North, Esq.  
751-A Thimble Shoals Blvd.  
Newport News, VA 23606  
(757) 873-1010  
E-mail: [cnorthlaw@aol.com](mailto:cnorthlaw@aol.com)

*Counsel for the Representative And  
Class Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 27<sup>th</sup> day of November, 2013, I caused a true and correct copy of Plaintiff's Motion In Limine Regarding Willfulness be served by way of ECF Notification upon the following counsel of record for the Defendant:

W. Scott Hardy  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One PPG Place, Suite 1900  
Pittsburgh, PA 15222  
E-mail: [scott.hardy@ogletreedeakins.com](mailto:scott.hardy@ogletreedeakins.com)

Philip K. Kontul  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
One PPG Place, Suite 1900  
Pittsburgh, PA 15222  
E-mail: [Philip.kontul@ODNSS.com](mailto:Philip.kontul@ODNSS.com)

*s/ James M. Pietz*

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James M. Pietz  
Pa I.D. No. 55406  
Pietz Law Office LLC  
429 Forbes Ave., Suite 1710  
Pittsburgh, PA 15219  
412-288-4333  
E-mail: [jpietz@jpietzlaw.com](mailto:jpietz@jpietzlaw.com)